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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,823	02/27/2002	David Hanson	10018734-1	6189

22879 7590 03/11/2005

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 FORT COLLINS, CO 80527-2400

EXAMINER
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DANIELS, ANTHONY J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/083,823

Applicant(s)

HANSON, DAVID

Examiner

Anthony J. Daniels

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 7, 11 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,8,9,12,13,17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa et al. (US 20020171747).

As to claim 1, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus “1”), comprising: a main body (Figure 3, camera body “2”); a camera-back display (Figure 3, LCD “10”) located on a back region of said main body ([0035]) and adapted to display a captured image in a display area ([0035]); and a status display provided within said display area of said camera-back display (Figure 8, additional information display “10g”; [0080]) and adapted to display status information of said image capturing device (Figure 8, camera status setting display “10j”; [0080]).

As to claim 2, Niikawa et al. teaches the image capturing device of claim 1, wherein said status display comprises a picture-in-picture display within said camera-back display (Figure 8;

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*{Applicant defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}).*

As to claim 3, Niikawa et al. teaches the image capturing device of claim 1, further comprising a status display control device (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”) that controls a position of said status display within said camera-back display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status variable which in turn controls whether or not the camera status display is displayed on the camera-back display. Examiner interprets position as being displayed in Figure 12, not displayed in Figure 16B, or displayed as a picture-in-picture in format as seen in Figure 8.}*).

As to claim 4, Niikawa et al. teaches the image capturing device of claim 1, further comprising a status display control device located on said back region (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”; [0037]) that controls a size of said status display within said camera-back display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}* Size of the camera status display is changed as shown in figures 8 and 16A/B).

As to claim 5, Niikawa et al. teaches the image capturing device of claim 1, further comprising a status display control device located on said back region that enables and disables said status display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*).

As to claim 8, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus “1”), comprising: a camera-back display (Figure 3, LCD “10”); a status display control device (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”) capable of accepting user inputs (Figure 9, “ST12”, “ST17”) and controlling a status display within said camera-back display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*); a memory (Figure 4, ROM, RAM of overall controller “211”, VRAM “210”, “VRAM “220”) including a status information storage area comprising one or more status information items of said image capturing device (*It is inherent in the system of Niikawa et al. that the status information be stored in some area of the memory.*), and a picture-in-picture routine capable of generating said status display (Figure 4, ROM of system controller “211”; [0066], Lines 5-11; *{If the ROM in overall controller produces the image data and information associated with it that is stored in the memory card, it is inherent in the system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}*); and a processor (Figure 4, overall controller “211”) communicating with said camera-back display (Figure 4, connection between VRAM buffer “210” and LCD “10”), said status display control device (Figure 4, connection with manual controller “250”; [0057]), and said memory (Figure 4, connection with VRAMs “210” and “220” and ROM and RAM), and wherein said processor receives said user inputs (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”; [0057]) and generates said status display ([0066], Lines 5-11; *{If the overall controller produces the image data and information associated with it that is stored in the memory card, it is inherent in the*

*system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}).*

As to claim 9, Niikawa et al. teaches the image capturing device of claim 8, wherein said memory further includes a user-settable display enable variable that enables and disables said status display (Col. 4, Table 1, LCD&EVF\_Status; Figure 9).

As to claim 12, Niikawa et al. teaches a status information display method for an image capturing device (Figure 8), comprising the steps of: providing a camera-back display (Figure 3, LCD “10”) located on a back region of a main body of said image capturing device ([0035]); providing a movable status display within said camera-back display (Figure 8, Figures 12 & 16A/B; *{From the figures, it can be seen that status display can be moved between sizes.}*); and providing a status display control device (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”) that controls a position of said status display within said camera-back display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display. Examiner interprets position as being displayed in Figures 12 and 16A, not displayed in Figure 16B, or displayed as a picture-in-picture in format as seen in Figure 8.}*); wherein said status display displays one or more status information items relating to operational parameters of said device (Figure 12).

As to claim 13, Niikawa et al. teaches the method of claim 12, wherein said status display displays said one or more status information items within said camera-back display in a picture-in-picture format (Figure 8; *{Applicant defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}*).

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As to claim 17, Niikawa et al. teaches the method of claim 12, wherein said status display displays a flash mode status information (Figure 12, Flash: AUTO).

As to claim 18, Niikawa et al. teaches the method of claim 12, wherein said status display displays a battery status information (Figure 12, Battery Capacity: 5/10).

As to claim 19, Niikawa et al. teaches the method of claim 12, wherein said status display displays an image resolution status information (Figure 12, Resolution: 1600x1200).

As to claim 20, Niikawa et al. teaches the method of claim 12, wherein said status display displays a number of captured images (Figure 8; *{Number of images remaining displays indirectly how many were taken.}*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6,10,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al. (see Patent Number above) in view of Hirasawa (US # 5,579,048).

As to claim 6, Niikawa et al. teaches the image capturing device of claim 1, wherein said status display control device comprises a four-way rocker switch (Figure 3, crossed switch (U, D, L, R) “35”). The claim differs from Niikawa et al. in that it further requires that said switch

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controls the horizontal and vertical movement of said status display within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a camera-back display (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim 10, the limitations of claim 10 can be found in claim 6. Therefore, claim 10 is analyzed and rejected as previously discussed with respect to claim 6.

As to claim 14, Niikawa et al. teaches the method of claim 12, wherein the status display control device accepts horizontal movement inputs (Figure 3, crossed switch (L, R) "35"). The claim differs from Niikawa et al. in that it further requires that said status display is moved horizontally within the camera-back display.

In the same field of endeavor, Hirasawa teaches the user of switching control device to move a menu within a camera-back display (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to move the status display of Niikawa et al. in horizontal direction when a horizontal input is accepted by the status display control device, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.



As to claim 15, Niikawa et al. teaches the method of claim 12, wherein the status display control device accepts vertical movement inputs (Figure 3, (U, D) “35”). The claim differs from Niikawa et al. in that it further requires that said status display is moved vertically within the camera-back display.

In the same field of endeavor, Hirasawa teaches the user of switching control device to move a menu within a camera-back display (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to move the status display of Niikawa et al. in vertical direction when a vertical input is accepted by the status display control device, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the status display if it were to interfere with the image being displayed.

#### ***Allowable Subject Matter***

4. Claims 7,11,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As to claim 7,11,16, the prior art does not teach or fairly suggest a center press input switch that toggles an enable state of said status display when pressed.

#### ***Conclusion***

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362.

The examiner can normally be reached on 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD  
03/07/2005



NSOC-YEN YU  
PRIMARY EXAMINER